

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the reasons that follow.

I. Status of the claims

While not acquiescing to the grounds of the rejection, claims 1-4, 7-9, and 20-21 are cancelled. Claims 3 and 5 are combined and rewritten as independent claim 5; the limitation with respect to passing through a 100-mesh sieve in claim 2 is incorporated in new claim 34. . Claim 6 is amended accordingly for its dependency. New claims 22-24 are added to recite the specific embodiments related to the angle of repose of the presently claimed granulated product, and support therefor can be found in, for example, lines 15-18 on page 7 in the Specification as-filed. Claims 25 and 26 recite the specific embodiments related to the additives and binders, respectively, and support therefor can be found in, for example, lines 1-4 on page 17 and lines 25-28 on page 14, respectively, in the Specification. New claims 27-33 recite the specific embodiment of a molded product according to claims 5-6, and 22-26, and support therefor can be found in, for example, lines 19-24 on page 6 in the Specification. The Applicants reserve the right to pursue the subject matter in the cancelled claims in a subsequent continuation application. No new matter is introduced, and claims 5-6 and 22-34 are currently pending to be examined on their merits.

II. Claim Rejection - 35 U.S.C. § 102

Claim 1 is rejected under 35 U.S.C § 102(b), as allegedly being anticipated by WO 0243704 (WO '704), or equivalently US 2004/0076675 ('675). While not necessarily agreeing with the Office, in view of the cancellation of claim 1, the Applicants respectfully submit that the rejection should now be moot.

III. Claim Rejection - 35 U.S.C. § 103

Claims 4-6 (page 2, Office Action) and 2-3, 7-9, 20-21 (page 5, Office Action) are rejected under 35 U.S.C § 103(a), as allegedly being unpatentable over WO '704. The Applicants respectfully traverse the rejection.

WO '704 teaches away from the granulated products recited in the present claims and the teaching thereof does not render the present claims obvious. The Office alleges that because WO '704 discloses a weight ratio of slightly-water soluble compound to surfactant of 1:0.1 to 50, the presently claimed products would be obvious over the teaching of WO '704 (pages 3-4, Office Action). On the contrary, the Applicants respectfully submit that the presently claimed granulated products would not be obvious to one of ordinary skill in the art over WO 704's teaching, and even if one were to employ such teaching, the presently claimed granulated products would not be reached.

WO '704's teaching focuses on improving the solubility of a composition by mixing a slightly-water soluble solid compound with a large amount of surfactant and excipients. This is evidenced in the weight ratio of a slightly-water soluble compound to a surfactant to being 1 to 2 in all of the Examples disclosed in WO '704. This is in stark contrast to the presently claimed granulated products, wherein content of the surfactant is kept at an amount as small as possible (such as 1 to 0.001 to less than 0.1, as recited in claim 5, or 1: about 0.005 to about 0.05, as recited in claim 6) and that of the solid compound with poor wettability is kept at an amount as high as possible. In fact, to achieve WO '704's goal of improving solubility, one of ordinary skill in the art would want to increase the amount of surfactant, (and thus the weight ratio of solid compound : surfactant). Thus, WO '704 teaches away from the presently claimed granulated products, wherein the weight ratio of compound : surfactant is to be kept at a very low value, as recited in claims 5 and 6.

Additionally, because of the large amount of excipients employed in WO '704, the content of the slightly-water soluble solid of WO '704 is much lower than the 30% as stated on

page 5 of the Office Action. As an illustrative example, less than 5% of Examples 1 and 5 of WO '704 are granulated solids (with >83% being the excipients). Such high content of excipients of WO '704 further supports the Applicants' position that the presently claimed granulated products are different from the teaching of WO '704. Also, with the content of the surfactant of WO '704 being greater than 80%, a granulated product as recited in claim 25, wherein another additive other than the surfactant is about 20 to about 60% cannot be obtained based on WO '704's teaching. Thus, claim 25 is separately patentable.

In fact, as shown in the Examples in the present Specification, the unexpected superior granulatability of the presently claimed granulated products in at least one example is achieved by a very small amount of the surfactant (about 1%) and a weight ratio of about 1:0.02 for the solid compound with poor wettability to the surfactant – this allows the content of the compound with poor wettability to be increased to 50%. Such advantageous effects on the superior granulatability are unexpected to one of ordinary skill in the art in view of the teaching of WO '704. Thus, WO '704's teaching does not render claim 5 or its corresponding dependent claims obvious.

Further, WO '704 also does not at all teach or suggest the angles of repose, as recited in claims 22-25, the weight ratio of the binder, as recited in claim 26, much less a molded product made from the claimed granulated products, as recited in claim 27. Thus, these claims are also non-obvious over the teaching of WO '704.

Therefore, at least in view of the foregoing, the Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

The Applicants believe that the present application is now in condition for allowance and respectfully request favorable reconsideration of the application.

The Office is invited to contact the undersigned by telephone if a telephone interview would advance the prosecution of the present application.


The Office is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

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